REMARKS/ARGUMENTS

Claims 1 and 21 were amended to emphasize that the "mobile communication device further comprises a mobile transaction client application and the mobile transaction client application manages the communication between the mobile device and the server by utilizing SIM Application Toolkit commands to invoke the Bearer Independent Protocol described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14)". Previously canceled claims 3 and 23 are presented as new claims 41 and 42, respectively. Claims 4-20, 24-40 remain unchanged.

The Examiner rejected independent claim 1 under 35 U.S.C. 103(a) as being unpatentable over Benson (US Patent 6,747,547) and in view of Arques et al. (US Patent Application Publication U.S. 2004/0131083). We would like to bring to the Examiner's attention that the Benson patent was incorporated by reference in the specification page 9, lines 6-9.

We agree with the Examiner's statement that "Benson differs from claim 1 of the present invention in that it does not disclose that the mobile phone manages communication with said server device utilizing SIM Application Toolkit commands to invoke the Bearer Independent Protocol described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14)". Furthermore, we would like to add that Benson differs from claim 1 of the present invention in that it does not disclose a mobile transaction client application that manages this communication between the mobile device and the server by utilizing SIM Application Toolkit commands to invoke the Bearer Independent Protocol described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14)". We also would like to add that the term "application" in the computer industry refers to "programs or software" such as word processing application software of spreadsheet application software. Please see the following link for the definition of the term application.

(http://www.webopedia.com/TERM/A/application.html)

Accordingly, it is believed that claim 1 of the present invention is different from the Benson patent.

The Examiner then argued that "Arques et al. teaches a system (fig.1) wherein a mobile station SIM card allows a distant server to perform authentication a subscriber identity using SIM Application Toolkit commands to invoke the BIP described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14) (paragraph 0007 line 1 to paragraph 8 line 10)".

Actually, Arques et al. describes in paragraph 0008 " the communication between the SIM card and the mobile equipment ME is governed according to the BIP protocol". In other words, Arques et al. does not teach that the communication between the mobile device 10 and the distant server 100 utilizes the BIP protocol, but that the communication between the SIM card and the mobile device utilizes the BIP protocol.

Contrary to Arques et al., claim 1 of the present invention refers to communication between a mobile communication equipment (mobile device 110, i.e., a phone) and a server device (server 140, i.e., a computer) utilizing the SIM Application Toolkit to invoke the BIP protocol. Furthermore, we would like to add that Arques et al differs from claim 1 of the present invention in that it does not disclose a mobile transaction client application that manages this communication between the mobile device and the server by utilizing SIM Application Toolkit commands to invoke the Bearer Independent Protocol described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14). Accordingly, it is believed that claim 1 is patentably different from Arques et al.

Since Arques et al discloses that "the communication between the SIM card and the mobile equipment is governed according to the BIP protocol" and Benson discloses authentication services between a mobile device and a server via the VSIM interface we find that there is no obvious motivation to combine the teachings of Arques et al application with the Benson patent.

Furthermore, even if this random combination was to be undertaken, the invention of claim 1 would still be different from such an arbitrary combination because neither Arques et al nor Benson teaches the presence of a mobile transaction client application, i.e., a software application that manages the communication between the mobile device and the server by utilizing SIM Application Toolkit commands to invoke the Bearer Independent Protocol described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14).

The Examiner argued that Benson discloses a CPU for managing the communication between the mobile communication device and the server and the CPU corresponds to the mobile transaction client application. We respectfully disagree with this statement because a CPU is a hardware component , i.e., a printed circuit board and an application is a program i.e., a software component. Please see the following link for the definition of the term CPU.
(http://www.webopedia.com/TERM/C/CPU.html)

The Examiner also argued that "it is known in the wireless/cellular art for the communication device CPU to interact with software to manage communications" . However, there is no particular reference to a specific software application that manages the communication between the mobile device and the server by utilizing SIM Application Toolkit commands to invoke the Bearer Independent Protocol described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14).

Based on the above arguments, it is believed that claim 1 is patentably distinguishable from Benson alone or in combination with Arques et al. Claims 4-20 and 41 depend directly or indirectly form claim 1. Since claim 1 is patentably distinguishable from Benson alone or in combination with Arques et al., claims 4-20 and 41 should also be patentably distinguishable from Benson alone or in combination with Arques et al.

The Examiner rejected independent claim 21 under 35 U.S.C. 103(a) as being unpatentable over Sato (US Patent Application Publication US 2002/0103009) and in view of Arques et al. (US Patent Application Publication U.S. 2004/0131083).

We agree with the Examiner's statement that "Sato differs from claim 21 of the present invention in that it does not disclose the mobile phone manages communication with said server device utilizing SIM Application Toolkit commands to invoke the Bearer Independent Protocol described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14)". The Examiner then argued that Arques et al. teaches a system (fig.1) wherein a mobile station SIM card allows a distant server to perform authentication a subscriber identity using SIM Application Toolkit commands to invoke the BIP described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14) (paragraph 0007 line 1 to paragraph 8 line 10).

We respectfully disagree with the above mentioned statement regarding Arques et al teachings. As we mentioned above, Arques et al does not teach communication between the ME and a distant server utilizing the BIP protocol, but communication between a SIM card and the ME.

Since Arques et al discloses that "the communication between the SIM card and the mobile equipment is governed according to the BIP protocol" and Sato discloses authentication services between a mobile device and a server via a USIM card (Universal Subscriber Identity Module) we find that there is no obvious motivation to combine the teachings of Arques et al application with the Sato application.

Furthermore, even if this random combination was to be undertaken, the invention of claim 21 would still be different from such an arbitrary combination because neither Arques et al nor Sato teaches the presence of a mobile transaction client application, i.e., a software that manages the communication between the mobile device and the server by utilizing SIM Application Toolkit commands to invoke the Bearer Independent Protocol

described in the European Telecommunications Standards Institute document ETSI TS 101 267 (3GPP TS 11.14).
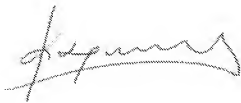
The Examiner argued that Sato discloses a Hardware Control Unit (HWC 103) for managing the communication between the mobile communication device and the server and that the HWC corresponds to the mobile transaction client application. We respectfully disagree with the Examiner's interpretation of Sato's HWC as being similar to the mobile transaction client application because the HWC is a hardware component whereas the mobile transaction client application is a software application.

Accordingly, it is believed that claim 21 is patentably distingusihable from Arques et al. alone and from Sato alone and there is no motivation to take a random sentence from the Arques et al application and combine it with the Sato application. Claims 24-40 and 42 depend directly or indirectly upon claim 21. Since claim 21 is patentably distinguishable from Sato alone or in combination with Arques et al., claims 24-40 and 42 are also patentably distinguishable from Sato alone or in combination with Arques et al.

In view of the above, it is submitted that all claims are in condition for allowance. Reconsideration of the final rejection and objections is requested and allowance of all claims at an early date is solicited.

If this response is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at 617-558-5389

Respectfully submitted,
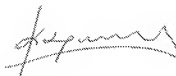
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